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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Editorial revisions have been made in claims 1, 6 and 11. Support for the revisions can be found at page 4, line 26 to page 5, line 6 and page 5, lines 13-20 of the present specification and Figures 4, 7 and 8. No new matter has been introduced. Claims 1-15 remain pending in the application.

Claim Rejections – 35 USC § 102

Claims 1 and 3-4 are rejected under 35 USC § 102(b) as being anticipated by Jorg Alexnat et al. (US 6,058,702). Applicants respectfully traverse this rejection.

Claim 1 requires each of two or more rings have an inner surface exposed directly to an inner space of a tubular member. Claim 1 also requires the rings be positioned and adapted to create water droplets as the exhaust gases and water exit the combustion engine. The present ring structure helps form the water into water droplets and mix the gas with the water so as to reduce noise generated by the combustion engines. The constriction provided by the rings also increases the velocity of the exhaust gas to more effectively pick up drops of water from the bottom of the tube and hose and to be able to carry the water with the gas. These factors, among others, provide for the sound dampening properties provided by exhaust tube (see page 4, lines 12-23 and page 5, line 27 to page 6, line 9 of the present specification).

Jorg Alexnat et al. fail to disclose an inner surface of each of two or more rings, which is exposed directly to an inner space of a tubular member, as required by claim 1. Nor do Jorg Alexnat et al. disclose rings positioned and adapted to create water droplets as the exhaust gases and water exit the combustion engine, as recited in claim 1. On the contrary, the Jorg Alexnat et al. sound absorbing materials referred in Figure 3 are not exposed to an inner space of the silencer directly in that there are pipes passing through the sound absorbing materials and thus the sound absorbing materials are covered by walls of the pipes. Since they are not exposed directly to the inner space of the silencer, the Jorg Alexnat et al. sound absorbing materials would not have a chance to contact the exhaust gases and water exiting the combustion engine. Thus, it is impossible for the

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sound absorbing materials to be positioned and adapted to create water droplets as the exhaust gases and water exit the combustion engine in the way as required by claim 1.

For at least these reasons above, claim 1 is patentable over Jorg Alexnat et al. Claims 3 and 4 depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claims.

Claims 6 and 8 are rejected under 35 USC § 102(b) as being anticipated by Davey (US 5,639,127). Applicants respectfully traverse this rejection.

Claim 6 requires that an inner surface of each of two or more rings be exposed directly to an inner space of a flexible exhaust hose. Claim 6 also requires the rings be positioned and adapted to create water droplets as exhaust gases and water exit the combustion engine. The present ring structure helps form the water into water droplets and mix the gas with the water so as to reduce noise generated by the combustion engines. Without the rings, the water would mostly stay on the bottom of the hose. The constriction provided by rings also increases the velocity of the exhaust gas to more effectively pick up drops of water from the bottom of the hose and to be able to carry the water with the gas. These factors, among others, provide for the sound dampening properties provided by exhaust hose 200 (see for example, page 5, line 27 to page 6, line 9 of the present specification).

Unlike the present invention of claim 6, Davey discusses a flexible coupler apparatus for joining successive lengths of pipe in an exhaust system for a vehicle. Davey fails to disclose an inner surface of each of two or more rings, which is exposed directly to an inner space of a flexible exhaust hose, as required by claim 6. Nor does Davey disclose the rings being positioned and adapted to create water droplets as exhaust gases and water exit the combustion engine, as recited in claim 6. On the contrary, the Davey spacer members referred in Figure 1 are not directly exposed to an inner space of the silencer in that the inner surfaces of the spacers are covered by an inner member. Since they are not exposed directly to the inner space of the flexible coupler, the Davey spacers would not have a chance to contact the exhaust gases and water exiting the

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combustion engine. Thus, it is impossible for the spacers to be positioned and adapted to create water droplets as the exhaust gases and water exit the combustion engine in the way as required by claim 6.

For at least these reasons, claim 6 is patentable over Davey. Claim 8 depends from claim 6 and is patentable along with claim 6 and needs not be separately distinguished at this time. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claims.

Claims 11-12 and 13-14 are rejected under 35 USC § 102(e) as being anticipated by Bishop et al. (US 6,843,516). Applicants respectfully traverse this rejection.

Claim 11 requires a rigid tube having a uniform inner diameter that has at least two rings mounted thereto. The present rigid tube structure with a uniform inner diameter has a simple structure and is easy to be manufactured. In addition, the present rings mounted to the uniform inner diameter of the tube help form the water into water droplets and mix the gas with the water so as to reduce noise generated by the combustion engines (see page 4, lines 12-23 of the present specification).

Unlike the present invention of claim 11, Bishop et al. are directed to a coupler for a low pressure piping system. Bishop et al. do not disclose a tube having a uniform inner diameter as required by claim 11. On the contrary, Bishop et al. discuss a metal tube having a relatively larger inner diameter at each U-shaped surface where an elastomeric annular seal is seated than the inner diameter of the other portion of the metal tube. The Bishop et al. U-shaped surfaces are to help maintain the position of the elastomeric annular seal when a metal tube is inserted into an open end and beyond an annular seal. The Bishop et al. elastomeric annular seal functions as a seal, different from the present rings in claim 11, which help form the water into water droplets and mix the gas with the water so as to reduce noise generated by the combustion engines.

For at least these reasons, claim 11 is patentable over Bishop et al. Claims 12 and 13-14 depend from claim 11 and are patentable along with claim 11 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claims.

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Claim Rejections – 35 USC § 103

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Jorg Alexnat et al. in view of Woon et al. (US 6,408,625). Applicants respectfully traverse this rejection. Claim 2 depends from claim 1 and is patentable over Jorg Alexnat et al. in view of Woon et al. for at least the same reasons discussed above regarding claims 1 and 3-4. Woon et al. do not remedy the deficiencies of Jorg Alexnat et al. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claim.

Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Jorg Alexnat et al. in view of Smullin et al. (US 6,591,939). Applicants respectfully traverse this rejection. Claim 5 depends from claim 1 and is patentable over Jorg Alexnat et al. in view of Smullin et al. for at least the same reasons discussed above regarding claims 1 and 3-4. Smullin et al. do not remedy the deficiencies of Jorg Alexnat et al. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claim.

Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Davey. Applicants respectfully traverse this rejection. Claim 7 depends from claim 6 and is patentable over Davey for at least the same reasons discussed above regarding claims 6 and 8. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claim.

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Davey in view of Smullin et al. Applicants respectfully traverse this rejection. Claim 9 depends from claim 6 and is patentable over Davey in view of Smullin et al. for at least the same reasons discussed above regarding claims 6 and 8. Smullin et al. do not remedy the deficiencies of Davey. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claim.

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Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Davey. Applicants respectfully traverse this rejection. Claim 10 depends from claim 6 and is patentable over Davey for at least the same reasons discussed above regarding claims 6 and 8. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claim.

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Bishop et al. Applicants respectfully traverse this rejection. Claim 15 depends from claim 11 and is patentable over Bishop et al. for at least the same reasons discussed above regarding claims 11-12 and 13-14. Applicants are not conceding the relevance of the reference to the remaining features of the rejected claim.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Dwight N. Holmbo, Reg. No. 36,410, at (612) 455-3826.



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Respectfully submitted,

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